

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CURTIS J. COOK, and all other  
Washington residents who hold  
similar claims against the  
Defendant,

Plaintiffs,

v.

BISHOP, WHITE, MARSHALL &  
WEIBEL, P.S.,

Defendant.

NO. CV-10-0320-EFS

**ORDER GRANTING DEFENDANT'S  
MOTION TO CHANGE VENUE  
PURSUANT TO 28 U.S.C. §  
1404(a)**

Before the Court, without oral argument, is Defendant Bishop, White, Marshall & Weibel, P.S.'s Motion to Change Venue Pursuant to 28 U.S.C. § 1404(a) (ECF No. [12](#)), which asks the Court to transfer this case to the Western District of Washington. Plaintiff Curtis J. Cook opposes the motion. After reviewing the submitted material and relevant authority, the Court is fully informed. For the reasons given below, the Court grants Defendant's motion and transfers venue to the Western District of Washington.

1 Venue may be transferred "in the interest of justice" "[f]or the  
2 convenience of parties and witnesses . . . to any other district . . .  
3 where it might have been brought." 28 U.S.C. § 1404(a). The parties  
4 agree that this action could have been brought in either the Eastern  
5 District or Western District of Washington. The parties disagree,  
6 however, as to whether convenience and justice favor either of these  
7 Washington districts.

8 Plaintiff Cook filed this class-action Fair Debt Collection  
9 Practices Act (FDCPA) lawsuit in Spokane County Superior Court, alleging  
10 that Defendant's practice of including prospective certified copy and  
11 recording costs in its state-court cost bills violates the FDCPA.  
12 Defendant, a Seattle law firm doing collection work in both Washington  
13 districts, removed the lawsuit to federal court in the Eastern District  
14 of Washington.  
15

16 With this background, the Court considers the following factors to  
17 determine whether venue should be transferred: 1) the district most  
18 familiar with the governing law; 2) Plaintiff's choice of district; 3)  
19 the parties' contacts with the district; 4) events in the chosen district  
20 related to the cause of action; 5) differences in cost of litigation  
21 between the two districts; 6) availability of compulsory process for non-  
22 party witnesses; and 7) ease of access to sources of proof. See *Jones*  
23 *v. GNC Franchising, Inc.*, 211 F.3d 495, 498-99 (9th Cir. 2000).  
24

25 As to the first factor, both the Eastern District and Western  
26 District are equally familiar with the FDCPA.

1 Second, it is more convenient and less costly for Spokane-resident  
2 Plaintiff and his Spokane counsel if this action remains in the Eastern  
3 District. However, the parties acknowledge that both districts utilize  
4 electronic case filing and that this lawsuit will likely be resolved by  
5 dispositive motion. Accordingly, it is unlikely that the cost of  
6 litigation differs significantly between the two districts: the fifth  
7 factor.

8 Third, as a law firm doing collection work in both Washington  
9 districts, Defendant can easily travel to Eastern Washington.

10 Fourth, the events relating to Plaintiff Cook occurred in Spokane  
11 County. Plaintiff, however, is not only bringing this FDCPA lawsuit on  
12 behalf of himself; he is bringing it on behalf of all other Washington  
13 residents who hold similar claims against Defendant. If a class is  
14 certified, the proposed class members will be given notice and an  
15 opportunity to opt out. Fed. R. Civ. P. 23(c)(2). If a settlement is  
16 ultimately reached, class members will be given an opportunity to  
17 comment. Fed. R. Civ. P. 23(e)(5). It is undisputed that approximately  
18 eighty-percent of the Washington residents holding similar claims against  
19 Defendant reside in Western Washington and, therefore, approximately  
20 eighty-percent of Defendant's challenged cost-bill practices occurred in  
21 Western Washington.  
22

23 Sixth, both Washington districts have a similar ability to compel  
24 the attendance of an unwilling nonparty witness given that the witnesses  
25 reside in Washington. Fed. R. Civ. P. 45(c)(3)(A)(ii).  
26

1. Defendant's Motion to Change Venue Pursuant to 28 U.S.C. § 1404(a) (ECF No. 12) is GRANTED.

3. The Clerk of the Court is directed to **CLOSE** this file and **TRANSFER** this matter to the Western District of Washington.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and to provide copies to all counsel.

United States District Judge

ORDER  $\sim 4$